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10/677,705	10/02/2003	Amy E. Battles	10016293-1	9165

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EXAMINER	
GEBRIEL, SELAM T	
ART UNIT	**PAPER NUMBER**
2622	
NOTIFICATION DATE	**DELIVERY MODE**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	**Application No.** 10/677,705	**Applicant(s)** BATTLES ET AL.	
	Examiner SELAM T. GEBRIEL	**Art Unit** 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *010/14/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *10-23* is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/14/2008 have been fully considered but they are not persuasive.

2. Regarding claims 1 and 6 argument, "Applicants assert that Anderson does not anticipate claims 1 and 6 because Anderson fails to teach "maintaining a data structure that is indicative of a direction of traversal through said plurality of digital images." Paragraph [0016] of the specification in the present invention discloses that the data structure "indicates the direction of the traversal through the digital images." Further, paragraph [0016] goes on to disclose that the data structure may be "stored in RAM or in a register." As a result, a record is kept of the direction of scrolling, since the data structure is stored in memory.

3. Examiner respectfully disagrees. The specification is read into the claims. Therefore In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the data structure may be stored in RAM or in a register) are not recited in the rejected claim(s) or amended claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore Andersons as the claims written teaches maintaining a data structure that is indicative of a direction of traversal through said plurality of digital images, See Figure 4, Element 406, Col 5, Line

8 - 12 "The cell 420 currently selected by four way navigation control 406 is encircled with the highlighted area 430, the direction of traversal is to the left, right, up, and down.

Allowable Subject Matter

4. Claim10 – 23 are allowed.

5. The following is an examiner's statement of reasons for allowance:

6. Regarding claim 10, the prior at of record failed to teach: A method for providing a user interface algorithm to manage a plurality of digital images that are arranged in an order, comprising:

Concurrently presenting a portion of an image prior to said deleted one of said plurality of digital images and presenting a portion of an image subsequent to said deleted one of said plurality of digital images in place of presentation of said deleted one of said plurality of digital images and in combination of other elements

7. Regarding claim 15, the prior at of record failed to teach: A digital imaging device, comprising:

Code for concurrently presenting, on said display, a portion of an image prior to said deleted one of said plurality of digital images and presenting, on said display, a portion of an image subsequent to said deleted one of said plurality of digital images in place of presentation of said deleted one of said plurality of digital images and in combination with other elements.

8. Regarding claim 21, the prior at of record failed to teach: A method of processing a plurality of digital images arranged in a preset order in a digital imaging device in response to user input, comprising:

Based upon the determined scrolling direction, displaying at least a portion of the next image in the scrolling direction after the deleted image unless the deleted image was the first or last image in the preset order and in combination with other elements.

9. Regarding claim 23, the prior at of record failed to teach: A system for processing a plurality of digital images arranged in a preset order in response to user input, comprising:

Means for displaying at least a portion of the next image after the deleted image according to the new scrolling direction and in combination with other elements.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1 – 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (US 6,249,316 B1).

3. Regarding claim 1, Anderson discloses a method for providing a user interface algorism (Figure 4 – 11, Element 402 or Computer readable program instructions, Col 3, Line 36 – 44 and Col 3, Line 51 – 53) to manage a plurality of digital images that are arranged in an order (Abstract), comprising:

Receiving a first user input (View Soft or function Key) to scroll through said plurality of digital images (See Figure 4 – 11, Col 4, Line 63 - 67);

Presenting one of a subsequent image (Image 3) and a prior (Image 1) of said plurality of digital images in said arranged order in response to said received first user input (See Figure 4 – 11, Col 4, Line 63 – 67, Image 2 being the current displayed or circled or marked image);

Maintaining a data structure that is indicative of a direction of traversal through said plurality of digital images (See Figure 4, Element 406, Col 5, Line 8 – 12 "The cell 420 currently selected by four way navigation control 406 is encircled with the highlighted area 430, the direction of traversal is to the left, right, up, and down)

Receiving a second user input to delete (Figure 8, Element 412 Function Key Delete) a current one of said plurality of digital images;

Deleting said current one (Marked image) of said plurality of digital images (See Figure 8, Col 5, Line 56 – 67, teaches deleting a single image or group of marked images); and

Presenting one of an image subsequent to said deleted one of said plurality of digital images and an image prior to said deleted one of said plurality of digital images depending on a value of said data structure (See Figure 8, For sake of explanation let say the camera has 9 images in the memory and all of them are being displayed as shown in figure 8, If the user of the camera deletes (Col 5 Line 55 - 67 teaches deleting a single image or group of marked images) image 8 (the marked imaged) the image prior (Image 7) and subsequent (Image 9) of that images are displayed regardless of the direction of traversal or the value of said data structure).

4. Regarding claim 2, Anderson discloses the method of claim 1 further comprising:

Receiving a third user input to delete a second current one of said plurality of digital images (See Figure 8, Col 5, Line 56 – 67, teaches deleting a single image or group of marked images using a function key 412 as shown in Figure 4 – 11);

Deleting said second current one (See Figure 8, Col 5, Line 56 – 67, teaches deleting a single image or group of marked images using a function key 412 as shown in Figure 4 – 11);

Determining whether said second current one is a last digital image or a first digital image of said plurality of digital images (As shown in figure 4 – 11 it can be determined which is the last image or first image);

Presenting a digital image prior to said second current one when said current one is a last digital image (As shown in figure 4 – 11 the display device presents or displays image prior to the last image); and

Presenting a digital image subsequent to said second current one when said current one is a first digital image (As shown in figure 4 – 11 the display device presents or displays image subsequent to the first image).

5. Regarding claim 3, Anderson discloses the method of claim 1 further comprising:

Receiving third user input to delete a second current one of said plurality of digital images after said first user input is received (See Figure 8, Col 5, Line 56 – 67, teaches deleting a single image or group of marked images using a function key 412 as shown in Figure 4 – 11);

Deleting said second current one; maintaining a value of said data structure (See Figure 8, Col 5, Line 56 – 67, teaches deleting a single image or group of marked images using a function key 412 as shown in Figure 4 – 11 and images are displayed regardless of the direction of traversal or the value of said data structure); and

Presenting one of an image subsequent to said deleted one of said plurality of digital images and an image prior to said deleted one of said plurality of digital images depending on a value of said data structure (See Figure 8, For sake of explanation let say the camera has 9 images in the memory and all of them are being displayed as shown in figure 8, If the user of the camera deletes (Col 5 Line 55 - 67 teaches deleting a single image or group of marked images) image 8 (the marked imaged) the image prior (Image 7) and subsequent (Image 9) of that images are displayed regardless of the direction of traversal or the value of said data structure).

6. Regarding claim 4, Anderson discloses the method of claim 1 wherein said maintaining comprises:

Updating said data structure to reflect traversal in a respective direction after a plurality of user inputs are received for traversing in said respective direction (that images are displayed regardless of the direction of traversal or the value of said data structure, therefore the data structure is updated all the time).

7. Regarding claim 5, Anderson discloses the method of claim 1 wherein said receiving first and second user input are performed on a digital camera (See Figure 8, Col 5, Line 56 – 67, teaches deleting a single image or group of marked images using a function key 412 as shown in Figure 4 – 11, the user of the camera has the ability to perform multiple deletion by using the function key 412 as shown in figures 4 – 11).

8. Regarding claim 6, Anderson discloses a digital imaging device (Figures 1), comprising:

Memory (Figure 2, Element 354) for storing a plurality of digital images that are arranged in an order (Col 4, Line 28 - 37);

A display (Figure 4, Element 402) for displaying a digital image (Col 4, Line 38 – 45);

A user input element (Figure 4, Element 406, 412,408,416,414,404) for receiving user input (Col 4, Line 38 – 45); and

A user interface process (Figure 3, Element 344 and Element 350, Comprises a computer readable program instruction to control the operation of camera 110) for managing said plurality of digital images responsive to said user input element (Col 3, Line 36 – 44 and Col 3, Line 51 – 53), Said user interface process (Figure 3, Element 344 and Element 350, Comprises a computer readable program instruction to control the operation of camera 110) including:

Code for (Computer readable program instructions) processing first user input to scroll through said plurality of digital images (Col 3, Line 36 – 44 and Col 3, Line 51 – 53);

Code for (Computer readable program instructions) presenting one of a subsequent image and a prior image of said plurality of digital images on said display in response to said first user input (Col 3, Line 36 – 44 and Col 3, Line 51 – 53);

Code for (Computer readable program instructions) maintaining a data structure that is indicative of a direction of traversal through said plurality of digital images (Col 3, Line 36 – 44 and Col 3, Line 51 – 53);

Code for (Computer readable program instructions) processing second user input to delete a current one of said plurality of digital images (Col 3, Line 36 – 44 and Col 3, Line 51 – 53); and

Code for (Computer readable program instructions) presenting one of an image subsequent to said deleted one of said plurality of digital images and an image prior to said deleted one of said plurality of digital images on said display depending on a value of said data structure (Col 3, Line 36 – 44 and Col 3, Line 51 – 53).

9. Regarding claim 7, Anderson discloses the digital imaging device of claim 6, wherein said user interface process further comprises:

Code for (Computer readable program instructions) presenting a digital image prior to said current one when said current one is a last digital image (Col 3, Line 36 – 44 and Col 3, Line 51 – 53); and

Code for (Computer readable program instructions) presenting a digital image subsequent to second current one when said current one is a first digital image (Col 3, Line 36 – 44 and Col 3, Line 51 – 53).

10. Regarding Claim 8, Anderson discloses the digital imaging device of claim 6, wherein said code for (Computer readable program instructions) maintaining updates said data structure to reflect traversal in a respective direction after a plurality of user inputs are received for traversing in said respective direction (Col 3, Line 36 – 44 and Col 3, Line 51 – 53).

Regarding claim 9, Anderson discloses the digital imaging device of claim 6 further comprising:

An array of photodetectors (Figure 1, Element 114) for capturing said plurality of digital images.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SELAM T. GEBRIEL whose telephone number is (571)270-1652. The examiner can normally be reached on Monday-Thursday 7.30am-5.00pm.If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Sinh can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Selam T Gebriel/
Examiner, Art Unit 2622

/Tuan V Ho/
Primary Examiner, Art Unit 2622

Wednesday, December 31, 2008